

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BARTON SHAFER,

Plaintiff,

v.

AVENAL STATE PRISON,

Defendant.

Case No.: C 14-1841 JSC (PR)

ORDER OF TRANSFER

(Dkt. No. 6)

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983.¹ Plaintiff complains about actions taken at Avenal State Prison by officials located there. Specifically, he complains that Avenal officials are preventing him from earning “good time” credits.

When, as here, jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a

¹ Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 5.)

1 judicial district in which any defendant may be found, if there is no district in which the action
2 may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue,
3 the district court has the discretion either to dismiss the case or transfer it to the proper federal
4 court “in the interest of justice.” 28 U.S.C. § 1406(a).

5 Plaintiff’s allegations arise out of events occurring at Avenal, and the allegedly
6 responsible officials are located there. Avenal is located in Kings County, which lies within
7 the venue of the United States District Court for the Eastern District of California. *See* 28
8 U.S.C. § 84.

9 Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this case is
10 TRANSFERRED to the United States District Court for the Eastern District of California.

11 The Clerk of the Court shall transfer this matter forthwith. In light of this transfer, the
12 Court defers to the Eastern District for ruling on the application to proceed in forma pauperis.
13 The Clerk shall terminate docket number 6 from this Court's docket.

14 **IT IS SO ORDERED.**

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16 Dated: June 3, 2014

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18 JACQUELINE SCOTT CORLEY
19 UNITED STATES MAGISTRATE JUDGE
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